

good-faith efforts to do so) how the requester could effectively limit the scope of the request; or

(iii) If a court has determined that exceptional circumstances exist as defined in 5 U.S.C. 552(a)(6)(C), then failure to comply with §§ 1015.5(a), (g)(3), 1015.7(b), and 5 U.S.C. 552(a)(6) shall be excused for the length of time provided by the court order.

\* \* \* \* \*

#### § 1015.10 [Removed and Reserved]

■ 10. Remove and reserve § 1015.10.

■ 11. Revise § 1015.11 to read as follows:

#### § 1015.11 Disclosure of trade secrets to consultants and contractors; nondisclosure to advisory committees and other government agencies.

(a) In accordance with section 6(a)(2) of the CPSA, the Commission may disclose information which it has determined to be a trade secret or other matter referred to under 5 U.S.C. 552(b)(4) to Commission consultants and contractors for use only in their work for the Commission. Such persons are subject to the same restrictions with respect to disclosure of such information as any Commission employee.

(b) In accordance with section 6(a)(2) of the CPSA, the Commission is prohibited from disclosing information which it has determined to be a trade secret or other matter referred to under 5 U.S.C. 552(b)(4) to advisory committees, except when required in the official conduct of their business, or to other Federal agencies and state and local governments except when permitted by the provisions of section 29(f) of the CPSA.

■ 12. Revise § 1015.15 to read as follows:

#### § 1015.15 Purpose and scope.

(a) The regulations of this subpart provide information concerning the types of records which may be withheld from production and disclosure by the Consumer Product Safety Commission. These regulations also provide information on the method whereby persons submitting information to the Commission may request that the information be considered exempt from disclosure, and information concerning the Commission's treatment of documents submitted with a request that they be treated as exempt from disclosure.

(b) No identifiable record requested in accordance with the procedures contained in this part shall be withheld from disclosure unless it falls within one of the classes of records exempt

under 5 U.S.C. 552(b). The Commission will make available, to the extent permitted by law, records authorized to be withheld under 5 U.S.C. 552(b) unless the Commission reasonably foresees that disclosure would harm an interest protected by the exemption or disclosure is prohibited by law or otherwise exempted from disclosure under 5 U.S.C. 552(b)(3). In this regard the Commission will not ordinarily release documents that provide legal advice to the Commission concerning pending or prospective litigation where the release of such documents would significantly interfere with the Commission's regulatory or enforcement proceedings.

(c) Draft documents that are agency records are subject to release upon request in accordance with this regulation. However, in order to avoid any misunderstanding of the preliminary nature of a draft document, each draft document released will be marked to indicate its tentative nature. Similarly, staff briefing packages, which have been completed but not yet transmitted to the Commission by the Office of the Secretariat are subject to release upon request in accordance with this regulation. Each briefing package or portion thereof released will be marked to indicate that it has not been transmitted to or acted upon by the Commission. In addition, briefing packages, or portions thereof, which the Secretariat upon the advice of the Office of the General Counsel has determined would be released upon request in accordance with this regulation, will be made available for public inspection in an electronic format through the Commission's Web site at <https://www.cpsc.gov> promptly after the briefing package has been transmitted to the Commissioners by the Office of the Secretariat. Such packages will be marked to indicate that they have not been acted upon by the Commission.

(d) The exemptions contained in 5 U.S.C. 552(b) will be interpreted in accordance with the applicable law at the time a request for production or disclosure is considered.

#### § 1015.16 [Removed and Reserved]

■ 13. Remove and reserve § 1015.16.

#### § 1015.17 [Removed and Reserved]

■ 14. Remove and reserve § 1015.17.

■ 15. Amend § 1015.20 by removing the first and second sentences of paragraph (a) and adding one sentence in their place to read as follows:

#### § 1015.20 Public availability of accident or investigation reports.

(a) Accident or investigation reports made by an officer, employee, or agent of the Commission are available to the public under the procedures set forth in subpart A of this part 1015 unless such reports are subject to the investigatory file exemption contained in the Freedom of Information Act (5 U.S.C. 552(b)) except that portions identifying any injured person or any person treating such injured person will be deleted in accordance with section 25(c)(1) of the CPSA. \* \* \*

\* \* \* \* \*

Dated: August 2, 2017.

**Todd A. Stevenson,**

*Secretariat, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2017-0640]

#### Special Local Regulation for Marine Events; Back River, Hampton, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce special local regulations for the Poquoson Seafood Festival Workboat Race held on the Back River on October 15, 2017, with a rain date of October 29, 2017. This action is necessary to provide for the safety of life on navigable waterways during the power boat race. Our regulation for recurring marine events in Captain of the Port—Sector Hampton Roads zone identifies the regulated area for this regatta.

During the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port or a designated representative.

**DATES:** The regulations in 33 CFR 100.501 will be enforced for the location listed at (c)(8) in the Table to § 100.501, Coast Guard Sector Hampton Roads—COTP Zone, from 1 p.m. through 4 p.m. on October 15, 2017, with a rain date of October 29, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LCDR Barbara Wilk, Waterways Management Sector Hampton Roads, U.S. Coast

Guard; telephone 757-668-5580, [hamptonroadswaterway@uscg.mil](mailto:hamptonroadswaterway@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce special local regulations in 33 CFR 100.501 from 1 p.m. until 4 p.m. on October 15, 2017, with a rain date of October 29, 2017, for the Poquoson Seafood Festival Workboat Race at Poquoson, VA. This action is being taken to provide for the safety of life on navigable waterways during the power boat race. Our regulation for recurring marine events within the Fifth Coast Guard District, § 100.501, specifies the location for this special local regulation; Race area: The area is bounded on the north by a line drawn along latitude 37°06'30" N., bounded on the south by a line drawn along latitude 37°06'15" N., bounded on the east by a line drawn along longitude 076°18'52" W. and bounded on the west by a line drawn along longitude 076°19'30" W. Buffer area: The waters of Back River extending 200 yards outwards from east and west boundary lines, and 100 yards outwards from the north and south boundary lines described in this section. As specified in § 100.501(c), during the enforcement period, no vessel may transit this regulated area without approval from the Captain of the Port (COTP)—Sector Hampton Roads or a COTP designated representative.

This notice of enforcement is issued under authority of 33 CFR 100.501 and 5 U.S.C. 552(a). This notice of enforcement will be published in the **Federal Register**, Local Notice to Mariners, and conveyed in marine information broadcasts.

Dated: August 1, 2017.

**Richard J. Wester,**

*Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, VA.*

[FR Doc. 2017-16645 Filed 8-7-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0524]

#### Drawbridge Operation Regulation; Mill River, New Haven, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation; modification.

**SUMMARY:** The Coast Guard has modified a temporary deviation from the operating schedule that governs the

Chapel Street Bridge across the Mill River, mile 0.4 at New Haven, Connecticut. This modified deviation is necessary to accommodate delays to the bridge deck replacement and various repairs. This modified deviation allows the bridge to open for the passage of vessels upon two hours of advance notice as well as a twelve day closure of the draw to all vessel traffic.

**DATES:** This modified deviation is effective without actual notice from August 8, 2017 through 11:59 p.m. on September 9, 2017. For purposes of enforcement, actual notice will be used from 12:01 a.m. on August 1, 2017 until August 8, 2017.

**ADDRESSES:** The docket for this deviation, USCG-2017-0524, is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212-514-4334, email [James.M.Moore2@uscg.mil](mailto:James.M.Moore2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The City of New Haven, the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate rehabilitation of the bridge, specifically replacement of the bridge deck. The Chapel Street Bridge, across the Mill River, mile 0.4 at New Haven, Connecticut offers mariners a vertical clearance of 7.9 feet at mean high water and 14 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.213(d).

On July 6, 2017, the Coast Guard published a temporary deviation entitled "Drawbridge Operation Regulation; Mill River, New Haven, CT" in the **Federal Register** (82 FR 31253). Under that temporary deviation, the Chapel Street Bridge would open for mariners provided a two hour advance notice was furnished to the owner of the bridge (with the bridge authorized to remain closed during weekday rush hour timeframes with the exception of recognized federal holidays) and the draw would remain closed to all vessels requiring an opening from 12:01 a.m. July 27, 2017 until 11:59 p.m. August 7, 2017 to facilitate the pouring/curing of new bridge deck material. The draw would then revert to opening for mariners given two hours of advance notice until September 9, 2017.

Due to project delays precipitated by the discovery of advanced corrosion of

the steel deck grid prior to the planned pouring of concrete deck material as well as associated remediation of the same corrosion, the City of New Haven has requested that until 11:59 p.m. August 9, 2017 the draw of the Chapel Street Bridge open for the passage of vessels requiring an opening provided two hours of advance notice is furnished to the owner of the bridge; except that, from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic. The bridge will remain closed to all vessels requiring an opening from 12:01 a.m. August 10, 2017 until 11:59 p.m. August 21, 2017 to facilitate the pouring/curing of new bridge deck material. From 12:01 a.m. August 22, 2017 until 11:59 p.m. September 9, 2017 the bridge will open for the passage of vessels requiring an opening provided two hours of advance notice is furnished to the owner of the bridge; except that from 7:30 a.m. to 8:30 a.m. and 4:45 p.m. to 5:45 p.m., Monday through Friday, except Federal holidays, the draw need not open for the passage of vessel traffic.

The bridge routinely opens for commercial vessels. Nevertheless, the requirement for two hours of advance notice has not impeded routine waterway operations. Mariners have offered no objection to a twelve day closure of the draw in order to complete the necessary deck replacement. The concrete pour and curing process can be accomplished in four days, but a twelve day closure period has been requested in order to take inclement weather into account. The bridge will resume operations as soon as the curing process has been completed. The City of New Haven has maintained open lines of communication with waterway operators and ensured all project developments are quickly disseminated to all relevant parties.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be not able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation